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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,470	08/25/2003	Tsukasa Ito	KOT-0062-P	4701

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CANTOR COLBURN LLP  
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EXAMINER
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QIN, YIXING

ART UNIT	PAPER NUMBER
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2625

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06/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/648,470

Applicant(s)

ITO ET AL.

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/2/04, 10/3/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites "wherein the two dimensionally-arranged image data are provided with additional data and the preference tendency obtaining step obtains the preference tendency of the user from the additional data." The additional data is explained in P[0011] of the applicant's specification as information regarding how a picture is taken, the modes in which its taken in, etc. Thus, it does not make sense how the obtaining step obtains a user's preference from the additional data if an user is to tell his or her preference.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims 1, 3-6, 8-14, 26, 29, 30, 32-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Enomoto (U.S. PG Pub. No. 2001/0004406).

Regarding claim 1, 30, 37 Enomoto discloses a method of applying an image processing onto two dimensionally-arranged image data representing a captured image including a main captured-subject and producing image signals to reproduce the captured image visually with one of various reproduction sizes on one of various kinds of recording media (Fig. 3), comprising:

- a reproduction size determining step of determining a reproduction size of the captured image to be reproduced visually on a recording medium; (Fig. 3, item 120)

- a subject size determining step of determining a size of the main captured-subject on the determined reproduction size of the captured image; (P[0019])

- an image processing content determining step of determining a content of the image processing on the basis of the determined reproduction size of the captured image and the determined size of the main captured-subject; (P[0019] – discloses determination of print magnification and the frame position based upon the size of the subject and print size) and

- a processing step of applying the image processing with the determined content onto the two dimensionally-arranged image data and producing image signals to reproduce the captured image visually with the determined reproduction size on the recording medium. (P[0019], P[0066])

Regarding claim 3, Enomoto discloses the method of claim 1, wherein the subject size determining step estimates the size of the main captured-subject on a basis

of the determined reproduction size of the captured image and determines the size of the main captured-subject. (P[0086])

Regarding claim 4, 38 Enomoto discloses the method of claim 1, wherein the subject size determining step obtains an occupying ratio of the main captured-subject on the captured image and determines the size of the main captured-subject on the basis of the obtained occupying ratio. (P[0086] – the subject is compared with the print size so that proper magnification is performed so that the proper passport or drivers license can be created - P[0080]. The ratio of the occupying area is known since passports and driver's licenses have standardized sizes for the photos)

Regarding claim 5, 32, 39, Enomoto discloses the method of claim 4, wherein the two dimensionally-arranged image data are provided with additional data including size information and the subject size determining step obtains the occupying ratio from the size information of the additional data. (abstract – the determination of the print magnification depends on an extracted subject, which contains information regarding the use of the print and optionally a print size)

Regarding claim 6, 33, 40, Enomoto discloses the method of claim 1, wherein the two dimensionally-arranged image data are provided with additional data including photographing information and the subject size determining step estimates an

- occupying ratio of the main captured-subject on the captured image from the

photographing information of the additional data and determines the size of the main captured-subject on the basis of the estimated occupying ratio. (This has been addressed in claim 5 above)

Regarding claim 8, 34, Enomoto discloses the method of claim 6, wherein the subject size determining step estimates an occupying ratio of the main captured-subject on the captured image from the two dimensionally-arranged image data and determines the size of the main captured-subject on the basis of the estimated occupying ratio. (This has been addressed in claim 4)

Regarding claim 9, 35, 41 Enomoto discloses the method of claim 1, further comprising:

a processing tendency obtaining step of obtaining a tendency of the image processing applied when the image signals representing the captured image are produced; (P[0074]) and

a correcting step of correcting an extent of the image processing on the basis of the tendency of the image processing obtained by the processing tendency obtaining step. (P[0075])

Regarding claim 10, 36, 42 Enomoto discloses the method of claim 9, wherein the tendency of the image processing obtained by the processing tendency obtaining step includes at least one of a contrast processing, a sharpness processing, a

granularity processing, and a chroma processing which is applied when the image signals representing the captured image are produced. (P[0074])

Regarding claim 11, Enomoto discloses the method of claim 10, wherein the correcting step corrects the extent of the image processing with the consideration for duplication or reciprocity for the image processing applied when the image signals representing the captured image are produced. (Enomoto's invention is for the reproduction of the photograph for an ID, so it would inherently have to take into account duplication – i.e. printing the photo on the ID, when performing the processing.)

Regarding claim 12, Enomoto discloses the method of claim 10, wherein the two dimensionally-arranged image data are provided with additional data and the processing tendency obtaining step obtains the tendency of the image processing from the additional data. (P[0074], P[0075])

Regarding claim 13, Enomoto discloses the method of claim 1, further comprising:

a preference tendency obtaining step of obtaining a preference tendency of a user; (P[0074] – the keyboard is used by an user to set processing preferences) and

a correcting step of correcting an extent of the image processing on the basis of the preference tendency of the user obtained by the processing tendency obtaining step. (P[0074]), (P[0075])

Regarding claim 14, Enomoto discloses the method of claim 13, wherein the preference tendency obtaining step obtains information regarding at least one of a type of a photographing device, a number of photographing pixels, an exposing mode and a white balance and obtains the preference tendency of the user from the obtained information. (P[0072]), P[0074])

Regarding claim 26, 29, Enomoto discloses the method of claim 1, wherein the image processing method produces visual image-referred data of output image signals by conducting the image processing for the captured-image data outputted from the image capturing device so as to optimize a visual image formation on an output medium. (P[0062] – the image is subjected to various processing for display on the monitor)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



II. Claims 2, 16-25, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (U.S. PG Pub. No. 2001/0004406) in view of Hilliard et al (U.S. Patent No. 6,392,657)

Regarding claim 2, 31, Enomoto discloses the processing on a main subject for printing an appropriately sized image on a recording medium.

It does not explicitly disclose "wherein the image processing content determining step determines the content of the image processing based on an angle of field to represent the size of the main captured-subject in a visual image reproduced on the recording medium on a basis of a viewing position when viewing the visual image."

However, Hilliard discloses in column 1, line 66 – column 2, line 7 and column 4, line 55- column 5, line 6 that the Hillard invention can be used to process images according to a viewing angle of the images.

Enomoto and Hilliard are combinable because both are in the art of optimal processing on an image for display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a processing scheme of Hilliard in order to make images look better prior to printing.

The motivation would have been to allow an user

Therefore, it would have been obvious to combine Enomoto and Hilliard to obtain the invention as specified.

Regarding claim 16, Enomoto discloses the method of claim 2, wherein the image processing content determining step determines the content of the image processing in accordance with whether or not the angle of field is a reference field angle or less. (Hilliard shows this in column 5, lines 38-62 where there is an example of a 95 degree optimal viewing angle as opposed to a normal or 90 degree angle. Various processing can be performed to adjust the image so that it can be more optimally viewed. )

Regarding claim 17-20, Hilliard discloses this in column 4, line 55 – column 5, line 6, where the contrast can be adjusted using software. Although it does not explicitly disclose increasing or decreasing, one of ordinary skill would know there is some adjustment made in order to achieve the appropriate image for viewing.

Regarding claim 21-24, Hilliard focuses on the effects of light in accordance with an angle in which a viewer looks at an image.

However, the use of the other processing such as edge or chroma is also known in the art, so it would have been to use a variety of processing techniques to obtain the optimal image for viewing.

Regarding claim 25, Hilliard discloses the method of claim 16, wherein the reference field angle is 10° (Hilliard shows this in column 5, lines 38-62 where there is an example of a 95 degree optimal viewing angle as opposed to a normal or 90 degree

Art Unit: 2625

angle. Various processing can be performed to adjust the image so that it can be more optimally viewed. )

III. Claims 7, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (U.S. PG Pub. No. 2001/0004406) in view of the Applicant's admitted prior art in the background of the invention (AAPA)

Regarding claim 7, Enomoto discloses a method for printing captured images.

It does not explicitly disclose "wherein the photographing information includes at least one of a subject area, a type of a photographed scene, a subject distance and a detection of reflected strobe light."

However, the AAPA discloses in P[0011] various types of information that could be stored.

Enomoto and the AAPA are combinable because both are in the art of capturing images and printing them in an appropriate size.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have stored various photographing information.

The motivation would have been to be able to use the stored information to decide how to best process the image.

Therefore, it would have been obvious to combine Enomoto and the AAPA to obtain the invention as specified.

Regarding claim 27-28, the AAPA discloses in P[0018] discloses the use of scene-referred image data. The use of a raw format of this type of data would have been obvious as well since it is another format in which to manipulate the image. The use of either format would depend on the needs of the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/648,470

Page 12

Art Unit: 2625

YQ

  
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